

**GOA STATE INFORMATION COMMISSION**  
'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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**Appeal No. 23/2023/SCIC**

Mr. Brutano Peixoto,  
R/o. H.No. 56/2, Cavorim,  
Covatem, Chandor, Salcete,  
Goa 403714.

.....Appellant

V/S

1. The Public Information Officer (PIO),  
Office of Superintendent,  
Administration Branch,  
Police Head Quarters,  
Panaji-Goa 403001.

2. The First Appellate Authority,  
Superintendent of Police,  
Head Quarters, Panaji-Goa.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 04/01/2023**  
**Decided on: 15/06/2023**

**ORDER**

1. The Appellant, Mr, Brutano Peixoto, r/o. H.No. 56/2, Cavorim, Covatem, Chandor, Salcete-Goa vide his application dated 12/09/2022 filed under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Office of Superintendent, the Director General of Police, Police Head Quarters, Panaji-Goa.
2. The said application was responded by the PIO on 11/10/2022, in the following manner:-

*"Please refer to your application dated 12.09.2022 on the subject cited above. The same was received in this office on 13.09.2022.*

*The information pertaining to this Office and available on records of this Office is as under:-*

<i>Pt.No.</i>	<i>Question</i>	<i>Reply</i>
<i>1.</i>	<i>As per your application point no. 1 &amp; 2</i>	<i>Presently, file is not traceable, information will be provided once the file is traced.</i>

3. Not satisfied with the reply of the PIO, the Appellant filed first appeal before the Superintendent of Police, Head Quarters at Panaji-Goa on 14/10/82022 being the First Appellate Authority (FAA).
4. The FAA vide its order allowed the first appeal on 03/11/2022 and directed the PIO to search for the file thoroughly and furnish the information to the Appellant within 15 days.
5. Since the PIO failed and neglected to comply with the order of the FAA dated 03/11/2022, the Appellant landed before the Commission with this second appeal under Section 19(3) of the Act.
6. Notices were issued to the parties, pursuant to which the Appellant appeared in person on 28/02/2023, the PIO, Shri. Vasudev Garudi appeared and filed his written submission on 28/02/2023. The FAA duly served opted not to appear in the matter, therefore the matter was posted for arguments on 20/03/2023.
7. In the course of hearing on 20/03/2023, the PIO, Shri. Vasudev Garudi appeared and furnished the purported information to the Appellant. The Appellant admitted that he received the information and that he is satisfied with the information provided by the PIO, however, he stressed upon imposition of penalty on the PIO for causing delay in furnishing the information.
8. In the instant case, it is true and correct that there is delay in furnishing the information. However, same is marginal delay.

The High Court of Bombay, Goa Bench at Panaji in the case **Public Authority Officer of Chief Engineer, Panaji v/s Shri. Yeshwant Tolio Sawant (W.P. No. 704/2012)** while considering the scope of imposing penalty has observed as under:-

*"6. However in the present case, the learned Chief Information Commissioner has himself noted that the delay was marginal and further the PIO cannot be blamed for the same. The question, in such a situation, is really not about the quantum of penalty imposed, but imposition of such penalty is a blot upon the career of the Officer, at least to some extent. In any case the information was furnished, though after some marginal delay. In the facts and circumstances of the present case, the explanation for the marginal delay is required to be accepted and in fact, has been accepted by the learned Chief Information Commissioner. In such circumstances, therefore, no penalty ought to have been imposed upon the PIO."*

9. In another judgement the Hon'ble high Court of Bombay at Goa Bench in the case **Shri. A.A. Parulekar v/s Goa State Information Commission & Ors. ( W.P. No. 205/2007)** has observed:-

*"11..... The order of penalty for failure is akin to action under criminal law. It is necessary to ensure that the failure to supply the information is either intentional or deliberate."*

10. In the present case, the RTI application dated 12/09/2022 was responded by the PIO on 11/10/2022, that is within stipulated period. This is not the case where the PIO was unwilling to provide the information. Therefore I am not inclined to grant the relief as prayed by the Appellant.

11. Considering the facts and circumstances hereinabove and since all the available information has been furnished to the Appellant by the PIO, I hold that nothing survives in the appeal. Hence, the matter is disposed off.

- Proceedings closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner